

MITIGATED NEGATIVE DECLARATION

June 12, 2008

Project Name: French TPM

Project Number(s): TPM 21013/S06-042/ER06-14-044

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Archaeology, Biology, Stormwater Management Plan

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGY CONDITIONS

1. Prior to approval of grading or improvement plans, and prior to approval of the Parcel Map, the applicant shall:
 - (1) Provide for the approval of the Director of Planning and Land Use evidence that 0.01 acres of Tier II or higher Tier habitat credit has been secured in a County approved mitigation bank located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:
 - a) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - d) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.01 acres of Tier II or higher Tier habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Habitat Management Plan (HMP) for the Tier II or higher Tier habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open

space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

- (2) Provide for the approval of the Director of Planning and Land Use evidence that 0.62 acres of Tier III or higher Tier habitat credit has been secured in a County approved mitigation bank located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:
 - a) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - d) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.62 acres of Tier III or higher Tier habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Habitat Management Plan (HMP) for the Tier III or higher Tier habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

C. PALEONTOLOGICAL RESOURCES:

1. Prior to approval of any Grading and or Improvement Plans or any other permit, the applicant shall provide evidence to the satisfaction of the Director of Public Works (DPW) and or Planning and Land Use (DPLU) that the following notes have been placed on the Grading and or Improvement Plans:

"This project site is has marginal to low levels of sensitive Paleontological resources. All grading activities are subject to the *County of San Diego Grading Ordinance Section 87.430*, if any significant resources (Fossils) are encountered during grading activities. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the County Permit Compliance Coordinator with the Department of Planning and Land Use before continuing grading operations. "

"If **any** paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego Guidelines for Determining Significance for Paleontological Resources."

"Prior to Rough Grading Inspection (SEC. 87.421) do the following: If **no** paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the director of Planning and Land Use stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources. "

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

TPM CONDITIONS:

- A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:
1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
 2. SIGHT DISTANCE
 - a. Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that physically, there is a minimum unobstructed sight distance of one hundred ninety-four feet (194') in both directions along Lavell Street from the existing driveway and private road opening, per ASHHTO stopping sight distance standards, to the satisfaction of the Department of Public Works. Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall outside the existing public road right-of-way, the subdivider shall grant a clear space easement to maintain sight distance.
 3. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]
 - a. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.
 - b. A commitment to serve each parcel must be obtained/purchased from the Spring Valley Sanitation District. In addition to the capacity commitment fees, the developer shall pay all of the appropriate district fees at the issuance of the Wastewater Discharge Permit.
 - c. Prior to the recordation of the Parcel Map, the existing dwelling on proposed Parcel 1 shall be connected to the Spring Valley Sanitation District sewer system, and the existing septic tank shall be pumped by a licensed pumper truck and properly backfilled.
[DPLU]

- d. Prior to recordation of the Parcel Map, the subdivider shall obtain a commitment to provide water service for each parcel from the Helix Municipal Water District.
- e. Prior to recordation of the Parcel Map, the subdivider shall obtain a commitment to provide sewer service for each parcel from the Spring Valley Sanitation District.

4. PRIVATE ROAD EASEMENTS

- a. The Parcel Map shall show a minimum twenty-six foot (26') wide private road easement over Parcel 2, from Parcel 3 to Lavell Street.
- b. The Parcel Map shall show an onsite twenty-foot (20') radius return at the intersection of the private road easement and Lavell Street (on Parcel 2).

5. ROAD DEDICATIONS

- a. Offer to dedicate the right-of-way required to complete a thirty foot (30') wide, one-half right-of-way width on the project side of the centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Lavell Street, including a twenty-foot (20') radius property line corner rounding at the street intersection with Grandview Drive. The Parcel Map shall be prepared to show the offer being accepted.
- b. Offer to dedicate the right-of-way required to complete a thirty-foot (30') wide, one-half right-of-way width on the project side of the centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Grandview Drive. The Parcel Map shall be prepared to show the offer being accepted.
- c. Execute an Irrevocable Offer of Dedication for real property for public highway required to complete a thirty-five foot (35') wide, one-half right-of-way width on the project side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-five foot (35') limit for that portion within the land division for Grandview Drive (SC 2115), including a twenty-foot (20') radius property line corner rounding at the street intersection with Lavell Street.

- d. Any dedication or offer of dedication shall be free of any burdens or encumbrances which would interfere with the purpose for which the dedication or offer of dedication is required. All easements of any type must be plotted on the Parcel Map.
- e. The subdivider shall relinquish access rights onto Grandview Drive and Grandview Drive (SC 2115), except for Lavell Street.

6. CIRCULATION ELEMENT ROADS

- a. Prior to preparation of the Parcel Map, the engineer or surveyor preparing the map shall contact the County of San Diego, Department of Public Works (858) 874-4204, to determine the desired location of the centerline for Grandview Drive (SC 2115), which is shown on the Circulation Element of the County General Plan as a Light Collector Road with bike lanes. The following shall be shown on the Parcel Map:
 - (1) The centerline location as approved by the County of San Diego, Department of Public Works. Contact the Transportation Planning/Route Locations Group (858) 874-4204 for this location.
 - (2) The width of the right-of-way which is thirty-five feet (35') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening." The additional five feet (5') is for a bicycle facility.
 - (3) A building line which is fifty-five feet (55') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
 - (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the Transportation Planning/Route Locations Group (858) 874-4204 of the County of San Diego, Department of Public Works, for review and approval.

7. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/

DEVELOPMENT IMPACT FEES

- a. The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the processing costs by paying a minimum deposit at the Land Development Counter Services.
- b. The subdivider shall sign a covenant agreeing not to oppose the formation of a Road Improvement District (RID). (This refers to Lavell Street and Grandview Drive.)
- c. The subdivider shall provide for maintenance of the onsite private road that serves the project through a private road maintenance agreement.

8. ZONING CONDITIONS

- a. Prior to recordation of the Parcel Map, provide evidence to the satisfaction of the Director of Planning and Land Use that Site Plan 06-042 has been approved, Site Plan 06-042 ensures compliance with the "S" Scenic Designator.

- B. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE) THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH

A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT, AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT, MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUELBREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS

- a. The fire apparatus turnaround in the vicinity of the northeasterly corner of Parcel 2 shall be graded and improved with asphalt concrete, to the satisfaction of the San Miguel Consolidated Fire Protection District.
- b. The onsite private easement road, from Parcel 3 over Parcel 2 to Lavell Street, shall be graded a minimum twenty feet (20') wide and improved a minimum sixteen feet (16') wide with asphalt concrete, to the satisfaction of the San Miguel Consolidated Fire Protection District and the Department of Public Works. The Improvement and Design Standards of Section 3.13(D) of the County Standards for Private Roads shall apply.
- c. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.

- d. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- e. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The onsite private easement road, including all slopes and the fire apparatus turnaround, from Parcel 3 over Parcel 2 to Lavell Street is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- f. The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads.
- g. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Department of Public Works.
- h. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

C. OTHER REQUIREMENTS [DPW] [DPLU]

- 1. The following note shall appear on the Parcel Map:

All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.

2. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
3. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.
4. Zoning regulations require that each parcel shall contain a minimum net area of 0.5 acres. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
5. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all (Parcel) or (Subdivision) Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
6. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map. For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's / engineer's certificate as shown on the final map.

7. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (**Ordinance No. 9589**) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

SITE PLAN CONDITIONS

The following conditions are imposed with the granting of Site Plan S06-042:

- A. Prior to obtaining any building or other permit pursuant to this Site Plan, and prior to commencement of construction or use of the property in reliance on this Site Plan, the applicant shall:
 1. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use.
 2. Submit evidence to the satisfaction of the Director of Planning and Land Use that all "Prior to Occupancy" conditions B.1-3 of this Site Plan have been printed on a separate sheet of all Building Plans associated with this Site Plan:
 - a. The conditions shall be printed on a separate sheet of the grading plans.

- b. The Directors of Public Works or Planning and Land Use may waive this condition to allow the issuance of a grading permit. The requirement shall be met before the issuance of any building permit.
- 3. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plans and review fee shall be submitted to the Regulatory Planning Division, Zoning Counter. Plans shall include:
 - a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.
 - b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
 - c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.
 - d. Spot elevations of the hardscape, building, and proposed fine grading of the installed landscape.
 - e. The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.

f. Additionally, the following items shall be addressed as part of the Landscape Plans:

- 1) Any portion of the project that is adjacent to an open space lot or native vegetation shall be planted with native species typical to the surrounding area. No invasive species will be allowed.

B. Prior to any occupancy or use of the premises pursuant to this Site Plan, the applicant shall:

1. Improve all parking areas and driveways shown on the approved plot plan with a minimum of two inches asphaltic concrete or a surfacing of a more durable type.
2. Submit to the Director of Planning and Land Use a statement from the project California licensed landscape architect that all landscaping has been installed as shown on the approved landscape planting and irrigation plans.
3. Design and adjust all light fixtures to reflect light downward, away from any road or street, and away from any adjoining premises, and shall otherwise conform to Sections 6324 and 6326 of The Zoning Ordinance.

C. Upon certification by the Director of Planning and Land Use for occupancy or establishment of use allowed by this Site Plan, the following conditions shall apply during the term of the Site Plan:

1. The project shall conform to the approved plot plan(s). Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703.
2. The parking areas and driveways shall be well maintained.
3. The landscaping shall be adequately watered and well maintained at all times.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Negative Declaration,

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June 12, 2008

on _____

Rosemary Rowan, Planning Manager
Regulatory Planning Division

EG:RR:ms